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# HOUSE BILL No. 1148

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-2-7-10.

**Synopsis:** County recorder fees. Removes a requirement that the county recorder use money in the records perpetuation fund for the preservation of records and the improvement of record keeping systems and equipment.

**Effective:** July 1, 2002.

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January 9, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1148

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-2-7-10, AS AMENDED BY P.L.241-1999,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2002]: Sec. 10. (a) The county recorder shall tax and collect  
4 the fees prescribed by this section for recording, filing, copying, and  
5 other services the recorder renders, and shall pay them into the county  
6 treasury at the end of each calendar month. The fees prescribed and  
7 collected under this section supersede all other recording fees required  
8 by law to be charged for services rendered by the county recorder.  
9 (b) The county recorder shall charge the following:  
10 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each  
11 additional page of any document the recorder records if the pages  
12 are not larger than eight and one-half (8 1/2) inches by fourteen  
13 (14) inches.  
14 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for  
15 each additional page of any document the recorder records, if the  
16 pages are larger than eight and one-half (8 1/2) inches by fourteen  
17 (14) inches.

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(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar (\$1) for each cross-reference of a recorded document.

(5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records produced by a photographic process, and two dollars (\$2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-1-1-10 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(c) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection (b)(5), (b)(8), (b)(9), and (b)(10) shall be deposited in this fund. The county recorder may use any money in this fund without appropriation. ~~for the preservation of records and the improvement of record keeping systems and equipment.~~

(d) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(e) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(f) The county recorder may not tax or collect any fee for:

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- 1 (1) recording an official bond of a public officer, a deputy, an  
2 appointee, or an employee; or  
3 (2) performing any service under any of the following:  
4 (A) IC 6-1.1-22-2(c).  
5 (B) IC 8-23-7.  
6 (C) IC 8-23-23.  
7 (D) IC 10-5-4-3.  
8 (E) IC 10-5-7-1(a).  
9 (F) IC 12-14-13.  
10 (G) IC 12-14-16.  
11 (g) The state and its agencies and instrumentalities are required to  
12 pay the recording fees and charges that this section prescribes.

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